

1 **Texas Board of Physical Therapy Examiners**

2  
3 **RULES AND PRACTICE**  
4 **Committee Meeting**

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6 **333 Guadalupe, Suite 2-510**  
7 **Austin, Texas 78701**

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8  
9 **April 28, 2016**  
10 **3:00 pm**

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13 **Members Present:** **Harvey Aikman, PT, Chair**  
14 **Gary Gray, PT**  
15 **Jeff Tout, PT**  
16 **Philip Vickers, Public Member**

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18 **Staff:** Karen Gordon, PT Coordinator  
19 John Maline, Executive Director  
20 Mark Turek, Chief Investigator  
21 Cindy Machado, Licensing Manager

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23 **Guests:** Kathleen Manella, PT, Texas Physical Therapy Association (TPTA) Liaison  
24 Stacey Mather, TPTA Staff  
25 Robert Blech, Texas Medical Board (TMA)  
26 Wally Doggett, TX Association of Acupuncture & Oriental Medicine (TAAOM)  
27 Lisa Hughes, TAAOM

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29 **Agenda**

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31 A. Call to order.  
32 B. Public comment.  
33 C. Approval of minutes from the November 14, 2015 meeting.  
34 D. Discussion and possible action on proposing changes to §321.1. Definitions including updating the  
35 definition of physical therapy to include dry needling.  
36 E. Discussion and possible action on proposing changes to §341.9. Retired Status; Performing  
37 Voluntary Charity Care regarding requirements for initiation and renewal of retired status.  
38 F. Discussion and possible action on proposing changes to §322.1. Provision of Services regarding (d)  
39 Reevaluation.  
40 G. Discussion and possible action on proposing a rule review as required by §2001.039 of the  
41 Government Code: Chapter 321. DEFINITIONS; Chapter 322. PRACTICE; Chapter 323. POWERS  
42 AND DUTIES OF THE BOARD; Chapter 325. ORGANIZATION OF THE BOARD; Chapter 327.  
43 COMPENSATION; Chapter 329. LICENSING PROCEDURE; Chapter 335. PROFESSIONAL  
44 TITLE; Chapter 337. DISPLAY OF LICENSE; Chapter 339. FEES; Chapter 341. LICENSE  
45 RENEWAL; Chapter 342. OPEN RECORDS; Chapter 343. CONTESTED CASE PROCEDURE;  
46 Chapter 344. ADMINISTRATIVE FINES AND PENALTIES; Chapter 346. PRACTICE SETTINGS  
47 FOR PHYSICAL THERAPY; and Chapter 347. REGISTRATION OF PHYSICAL THERAPY  
48 FACILITIES.  
49 H. Discussion and possible action on proposing changes to §322.1. Provision of Services, regarding  
50 adding (f) Telehealth to include a request for approval of a telehealth pilot study through the  
51 University of Texas Medical Branch (UTMB) Physical Therapy and the Texas Department of  
52 Criminal Justice (TDCJ).  
53 I. Discussion and possible action on future meeting dates and agenda items.  
54 J. Adjournment.

1 **A. Call to Order**

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3 Harvey Aikman, Chair called the roll and determined a quorum was present. He called the meeting to  
4 order at 3:00 p.m.

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6 **B. Public comment**

7

8 There was no public comment.

9

10 **C. Approval of minutes from the November 14, 2015 meeting**

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12 Motion: To approve the minutes as submitted.

13 Made by: Gary Gray

14 Second: Philip Vickers

15 Motion passed unanimously.

16

17 **D. Discussion and possible action on proposing changes to §321.1. Definitions including**  
18 **updating the definition of physical therapy to include dry needling.**

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20 Mr. Aikman reported that the Attorney General’s Opinion in response to RQ-00068 regarding whether  
21 dry needling is within the physical therapy scope of practice had not been rendered. An opinion is  
22 scheduled by May 9, 2016. The Committee took no action.

23

24 **E. Discussion and possible action on proposing changes to §341.9. Retired Status; Performing**  
25 **Voluntary Charity Care regarding requirements for initiation and renewal of retired status.**

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27 Ms. Gordon reported that an attestation of voluntary charity care will be added to the Retired Status  
28 application, and that legal counsel had reviewed the updated application and determined that no rule  
29 change was required. The Committee took no action.

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31 Mr. Aikman reordered the agenda to consider item G. There were no objections.

32

33 **G. Discussion and possible action on proposing a rule review as required by §2001.039 of the**  
34 **Government Code: Chapter 321. DEFINITIONS; Chapter 322. PRACTICE; Chapter 323.**  
35 **POWERS AND DUTIES OF THE BOARD; Chapter 325. ORGANIZATION OF THE BOARD;**  
36 **Chapter 327. COMPENSATION; Chapter 329. LICENSING PROCEDURE; Chapter 335.**  
37 **PROFESSIONAL TITLE; Chapter 337. DISPLAY OF LICENSE; Chapter 339. FEES; Chapter**  
38 **341. LICENSE RENEWAL; Chapter 342. OPEN RECORDS; Chapter 343. CONTESTED CASE**  
39 **PROCEDURE; Chapter 344. ADMINISTRATIVE FINES AND PENALTIES; Chapter 346.**  
40 **PRACTICE SETTINGS FOR PHYSICAL THERAPY; and Chapter 347. REGISTRATION OF**  
41 **PHYSICAL THERAPY FACILITIES.**

42

43 Mr. Aikman reported that the Board is required to determine whether the reasons for adopting the above  
44 rules continue to exist, and whether the rules should be repealed, readopted, or readopted with  
45 amendments every four (4) years pursuant to §2001.039 of the Government Code. The Board will vote  
46 to propose the rule review.

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48 **F. Discussion and possible action on proposing changes to §322.1. Provision of Service**  
49 **regarding (d) Reevaluation.**

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51 Mr. Aikman reported that the Board had received a request to amend the section on reevaluation to  
52 eliminate the requirement that includes a reexamination which implies completion of a comprehensive  
53 screening and testing process including patient history, systems review, and tests and measures.  
54 Several proposals that were submitted with the request were discussed, and the Committee agreed on

1 adding “direct physical therapist-to-patient interaction” and elimination of “onsite reexamination” from the  
2 requirements.

3  
4 Motion: To recommend proposing an amendment to §322.1. Provision of Service (d)  
5 Reevaluation to add “direct physical therapist-to-patient interaction” and to  
6 eliminate “onsite reexamination” from the requirements.

7 Made by: Gary Gray  
8 Second: Philip Vickers

9 Motion passed unanimously.

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11 **H. Discussion and possible action on proposing changes to §322.1., Provision of Services,**  
12 **regarding (f) Telehealth to include a request for approval of a telehealth pilot study through**  
13 **the University of Texas Medical Branch (UTMB) Physical Therapy and the Texas Department**  
14 **of Criminal Justice (TDCJ).**

15  
16 Mr. Aikman presented a request for approval of a telehealth pilot study through the University of Texas  
17 Medical Branch (UTMB) Physical Therapy and the Texas Department of Criminal Justice (TDCJ). He  
18 reported on comments received by the Board’s legal counsel, Kara Holsinger, AAG that included 1) the  
19 Board does not have the statutory authority to endorse, monitor, approve, etc. a pilot program; 2) the  
20 evaluation rules imply that an evaluation will be performed onsite, and the reevaluation rules explicitly  
21 state that a reevaluation must be onsite; and 3) the Practice Act requires that PT aides have onsite  
22 supervision. Based on the above, the Committee decided it would not make a recommendation to the  
23 Board to approve the pilot program.

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25 The Committee also requested that staff prepare additional resource material regarding telehealth to  
26 include other states’ statutes/rules and any available statistics regarding injuries during treatment with  
27 telehealth.

28  
29 **I. Discussion and possible action on future meeting dates and agenda items.**

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31 The Committee set the next committee meetings for August 11, 2016 and October 27, 2016; and agreed  
32 to continue Telehealth as an agenda item.

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34 **J. Adjournment.**

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36 Motion: To adjourn the meeting.  
37 Made by: Jeff Tout  
38 Second: Gary Gray

39 Motion passed unanimously.

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41 Mr. Aikman adjourned the meeting at 3:53 p.m.

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44 **Date reviewed by the Committee:** 08/11/2016  
45 **Action taken by the Committee:** approved as submitted